

JFW/3721



PATENT
ATTORNEY DOCKET NO.: 040894-7160

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:) Confirmation No.: 9680
Kazuo HIGUCHI) Group Art Unit: 3721
Application No.: 10/520,124) Examiner: Unassigned
Filed: January 3, 2005)
For: RESIDUAL STAPLE AMOUNT)
DETECTION DEVICE OF ELECTRIC)
STAPLER)

Commissioner for Patents
U.S. Patent and Trademark Office
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Sir:

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), Applicant brings to the attention of the Examiner the documents listed on the attached PTO-1449. To the best of the undersigned's knowledge, this Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits for the above-referenced application. Accordingly, Applicant does not believe that a fee is due for filing this paper.

The listed documents were cited in a European Search Report dated August 23, 2005. A copy of the European Search Report is enclosed for the Examiner's consideration.

Copies of the listed documents are attached.

Applicant respectfully requests that the Examiner consider the listed documents and evidence that consideration by making appropriate notations n the attached form.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that the listed documents are material or constitute "prior art." If it should be determined that the listed documents do not constitute "prior art" under United States law, Applicant reserves the right to present to the Office the relevant facts and law regarding the appropriate status of such documents.

Applicant further reserves the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should any of the documents be applied against the claims of the present application.

Except for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP



Robert J. Goodell
Reg. No. 41,040

Dated: October 5, 2005

By:

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INFORMATION DISCLOSURE CITATION

Attorney Docket No.

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10/520,124

(Use several sheets if necessary)

 PTO Form 1449
 Page 1 of 1

Applicant: Kazuo HIGUCHI

Filing Date: January 3, 2005

Group Art Unit: 3721

U.S. PATENT DOCUMENTS

*Examiner Initial		Document Number	Date	Name	Class	Sub Class	Filing Date

FOREIGN PATENT DOCUMENTS

		Document Number	Date	Country	Class	Sub Class	<u>Translation</u>	YES	NO
		EP 0 861 708 A1	Sep. 2, 1998	Europe					
		EP 0 637 486 A1	Feb. 8, 1995	Europe					

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

Examiner

Date Considered

Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.